



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 6 फरवरी, 2006/17 माघ, 1927

हिमाचल प्रदेश सरकार

Public Works Department

NOTIFICATION

Shimla-171002, the 3rd February, 2006

No. PBW (B&R) (W.B.)3(6)9/2005.—Whereas the Government of Himachal Pradesh proposes to improve and upgrade State Highways and other Major Roads with the financial assistance from the World Bank under the proposed World Bank State Roads Project;

And whereas, the World Bank Policies/Guidelines as contained in Operational Policy (OP) and Bank Procedure (BP) 4.12 and Operational Directive (OD) 4.10 are required to be applied to all such Bank projects;

Now, therefore, the Governor, Himachal Pradesh is pleased to accord approval and notify Rehabilitation and Resettlement Policy (R&R Policy) annexed for involuntary resettlement of affected families/persons for the proposed World Bank State Roads Project, as a special case only for this Project, to be implemented through Himachal Pradesh Road Infrastructure Development Corporation (HPRIDC).

This issues with prior concurrence of Revenue Department *vide* their letter No. Rev. (PC)A-6-1/2006 dated 3rd February, 2006.

By order,
Sd/-
Principal Secretary.

1. R & R PRINCIPLES, POLICY FRAME WORK AND ENTITLEMENT MATRIX FOR WORLD BANK FUNDED STATE ROADS PROJECT

1.1 Introduction and Broad Principles of the Policy :

This policy document describes the principles and approach to be followed in minimizing and mitigating negative social and economic impacts by the projects. The guidelines are prepared for addressing the issues limited to this project for resettlement and rehabilitation of the PAPs. The Resettlement Plan has been developed based on guidelines of World Bank on Involuntary Resettlement. The RAP will be implemented by the State government through its department with the assistance of NGO or any such implementing agency.

Broad Principles :

The broad principles of the R&R are as below:—

- The negative impact on persons affected by the project would be avoided or minimized.
- Where the negative impacts are unavoidable, the project-affected persons will be assisted in improving or regaining their standard of living. Vulnerable groups will be identified and assisted to improve their standard of living.
- All information related to resettlement preparation and implementation will be disclosed to all concerned, and people's participation is being ensured in planning and implementation of the project.
- All acquisition of land would be under LA Act, 1894, which provides for compensation for properties to be acquired. Compensation will be paid at the replacement value of the property. The persons affected by the project who does not own land or other properties

but who have economic interest or lose their livelihoods will be assisted as per the broad principles brought out in this policy.

- Most of the widening and strengthening work will take place by the side of the existing Highway except at locations where the existing alignment may involve shifting to accommodate bypasses, geometric and other cost effective improvements.
- Before taking possession of the acquired lands and properties, compensation and R&R assistance will be made in accordance with this policy.
- There would be no/or minimum adverse social, economic and environmental effects of displacement on the host communities but if needed specific measures would be provided in the Resettlement Plan.
- Broad entitlement framework of different categories of project-affected people has been assessed and is given in the entitlement matrix. Provisions will be kept in the budget for those who were not present at the time of enumeration. However, anyone moving into the project area after the cut-off date will not be entitled to assistance.
- Appropriate grievance redress mechanism will be established at the district level to ensure speedy resolution of disputes.
- All activities related to resettlement planning, implementation, and monitoring would ensure involvement of women. Efforts will also be made to ensure that vulnerable groups are included.
- All consultations with PAPs shall be documented. Consultations will continue during the implementation of resettlement and rehabilitation works.
- The Resettlement Plan shall include a fully itemized budget and an implementation schedule linked to the civil works contract.

1.2 Abbreviations, Terms and Definitions :

1.2.1 Abbreviations :

Following abbreviations have been used in the policy:—

WB	World Bank
PAP	Project Affected Person
PAF	Project Affected Families
BPL	Below Poverty Line
COI	Corridor of Impact
CPRs	Common Property Resources
EP	Entitled Person
Ha	Hectare
LAA	Land Acquisition Act
NGO	Non-Government Organisation
RAP	Resettlement Action Plan
ROW	Right of Way
R & R	Resettlement and Rehabilitation
SC	Scheduled Caste
ST	Scheduled Tribe
U/s	Under Section

1/5 of an acre

A unit for measuring land area. (Hectare equals 10000 Square Meters).

Width of corridor required for the construction of road, service lane, drain, footpath, access, tree plantation and for safety zone. The corridor of impact for the project (a) in Open and Built-up areas it would be 13 meters in Hilly terrain & 15 meters in Rolling terrain; however in Built-up areas where it is not possible it would be 9 meters in Hilly terrain & 10 meters in Rolling terrain.

A number of villages grouped together form a Development Block.

Revenue administration unit comprising of group of villages.

Local Self-governing body at Block level is Panchayat Samiti.

Administrative head of a District.

Administrative head of a division comprising a number of districts.

Elected local self-governing body at village level.

A family whose annual income from all sources is less than a designated sum as fixed by the concerned State Govt. in which the project falls, will be considered to be below Poverty Line.

Elected chief of a village.

Includes allottees, holders of muafi lands.

Basic record of land rights.

According to Law, all land belongs to the State and all so-called landowners are tenants of the State. They are called Khatedars. Include lands attached with Temples, Mosques, Gurudwara, Churches etc.

Cement, bricks or concrete build structure.

Structures with tiles/thatch roof/brick cement wall.

Structures with stone/mud wall/thatch roof.

A person adversely impacted by the project and is entitled to some kind of assistance as per the project entitlement framework.

A person who possess legal documents towards the claim for the property.

A cell set up by the project authority headed by District Magistrate/ or his representative to look in to grievances of a PAP.

shall be the following:—

of land acquisition affecting legal titleholders, the cut-off date would be the u/s 4(1) of the LA Act, 1894.

people lack title, the cut-off-date shall be a year prior to the date of start of undertaken by the project authority.

Project Affected Person :

Affected persons are those who stand to lose all or part of their physical and non-physical assets including homes, productive land, community resources, commercial properties, livelihood, and socio-cultural network.

Project Displaced person :

A displaced person is a person who is compelled to change his/her place of residence and/or work place or place of business, due to the project.

Definition of Family :

(a) "Family" shall mean husband, wife and dependants including parents and children in case of joint family on the date of section 4 of LA Act or entry in the family register of Panchayat as on 1st January of preceding year, whichever is earlier for the purpose of ERG, TA, shifting allowance and allotments of land and shop.

(b) Major sons and daughters will be treated as separate family if their livelihood is separately affected by the project.

Wage Earner :

A person who is working with a commercial establishment or working as a labour in an agriculture land, which is being affected by the project.

Encroacher :

A person, who has trespassed Govt. land, adjacent to his/her own land or asset, to which he/she is not entitled, and deriving his/her livelihood prior to the cut-off date. If such a person is vulnerable, he/she would be entitled to assistance as per the provisions in the policy.

Squatter :

Squatter is a person who is land less and has settled on publicly owned land without permission and has been occupying publicly owned building without authority prior to the cut-off date.

Income :

Income of a PAP shall mean the amount of income as shown in his Income Tax Return prior to the cut-off date. In absence of such a return, his income shall be calculated by an objective assessment applying the same method as adopted by the Govt. agencies for identifying B.P.L. families. The certificate of B.P.L. from the block/Tehsil will be used for identifying the B.P.L.

Vulnerable Person :

Unless otherwise specifically mentioned in this document, a person who has been designated under 'Below Poverty Line' category as identified by the concerned State Govt. level will be considered a vulnerable person. Disadvantaged persons belonging to SC, ST, disabled, handicapped, orphans, destitute persons and woman heading the household are also recognized as vulnerable person.

Title holders (THs) :

Persons who possess legal documents in support of claims made towards ownership of structure or land are titleholder.

Subtenants :

Persons, who not being tenants, are allowed to cultivate land on certain terms and conditions.

Sharecroppers :

Persons who cultivate land of a titleholder on terms of sharing income therefrom with the titleholder

Landless agricultural labourer :

A person who does not hold any agricultural land and who has been deriving his main income by working on the lands of others as subtenant or as an agricultural labourer prior to the cut-off date.

Small farmer :

A farmer holding 2 hectares of un-irrigated or 1 hectare of irrigated land will be treated as a small farmer.

Marginal farmer :

A farmer holding 1 hectare of un-irrigated or 1/2 hectare of irrigated land will be treated as a marginal farmer.

Minimum Economic Holding (MEH) :

Five bighas (one acre) of a landholding shall be considered as MEH. In Scheduled Areas 20 bighas is the minimum economic holding.

Kiosk :

Kiosk is a temporary structure not fixed to ground. Normally kiosks are wooden structure on four legs on the ground and can be easily moved.

Definition of Entitlements under R & R :

The entitlements given under entitlement framework are (1) Economic Rehabilitation Grant (ERG), (2) Transitional Allowance (TA)/Sustenance Allowance, (3) Shifting Allowance (SA) and (4) Training Allowance.

Basis for calculating ERG and Transitional allowance:

The **ERG** will be calculated based on BPL cut off line of the state. The yearly figure will be converted into monthly amount. An addition of 25% over and above the cut off line will ensure that inflation rate is also taken care of. Therefore, ERG amount would be Rs. 24,000. ERG will not cover the consumable items.

Transitional allowance shall be calculated on the basis of minimum daily wages (of Rs. 70) for a period of 24 days, 48 days, 72 days or 100 days as the case may be.

Basis for calculating shifting allowance and Training allowance:

Shifting allowance will be a lump sum amount of Rs. 1000 if shifting is within the village or municipal limits or Rs. 2000 if it is beyond 2 km or outside the limits of village or municipality.

For calculating **training allowance**, following heads will be considered:

- * Amount to be paid to the master trainer
- * Cost towards travel, stay and food of trainees
- * Hiring of training venue
- * Raw material to be used during training

The total amount will be divided by total number of trainees to arrive at training allowance for each PAP.

Rental allowance :

A lump sum amount of Rs. 3000 in rural areas and Rs. 6000 in urban areas shall be given to mitigate the disruption caused due to the project.

Replacement Cost :

Replacement cost is the cost of purchasing comparable assets elsewhere by the affected person in lieu of the acquired land and other amenities, buildings etc.

The compensation awarded for the acquired land and other amenities, buildings etc. should be adequate to enable purchase of comparable assets elsewhere by the affected person. Wherever compensation is not adequate enough to buy replacement lands/buildings, the project authority shall provide other assistance to overcome the shortfall.

Economic rehabilitation grant (ERG) :

Economic Rehabilitation Grant (ERG) is a grant given to a PAP belonging to a vulnerable family losing livelihood viz.; loss of commercial unit (owner as well as helping hands); loss of land including title holder, daily labourer, share cropper etc. ERG will be given only to those members who are dependent on the affected property (land or shop etc.).

Transitional Allowance (TA) :

Transitional Allowance is provided as assistance to adversely affected/displaced persons, except owners of kiosks.

Shifting Allowance :

Shifting Allowance is a one-time lump sum amount to enable shifting of family and household assets. Anybody getting displaced is entitled for this allowance.

Training Allowance :

Training Allowance is a fixed sum for providing training to the eligible PAPs. Vocational training is provided to PAPs losing livelihood, as per their identified new vocations and the related training needs.

1.3 Legal Framework :

The project entails acquisition of land along the project routes. Land will be acquired through Land Acquisition Act, 1894. The salient features of the Act have been presented below:

1.3.1 Land Acquisition Act, 1894 :

Sections of Land Acquisition Act, 1894	Description
3	Definition
4	Publication of preliminary notification and powers of officers to enter for survey
5	Payment for damage
5A	Hearing of objections
6	Declaration that land is required for a public purpose
7	After declaration, Collector to take order for acquisition
8	Land to be marked out, measured and planned
9	Notice to persons interested
10	Powers to require and enforce the making of statements as to names and interests
11	Enquiry into measurements, value and claims and award by Collector
12	Award of Collector when to be final
13A	Correction of Clerical errors etc.
16	Power to take possession
17	Special powers in cases of urgency
18	Reference to court
23	Matters to be considered in determining compensation
24	Matters to be neglected in determining compensation

Land can also be acquired through private transaction where in, the buyer and the seller negotiate the "price" between themselves. The seller is willing to sell. The buyer is willing to buy. The price offered and accepted is decided mutually and finally agreed upon. The level at which the price is fixed is determined based on the "market conditions". Government procedure for negotiations vide Notification no: PBW (B) A (6) 2-64/2001 dated 13 July, 2004 shall be followed to this effect.

However, in the acquisition of private lands by the state the landowner's consent and willingness is not necessarily obtained under the LA Act. The person will lose land even if he/she does not want to part with it. Secondly, while fixing the compensation amount the land owners' objections and opinions are heard (under section 9 and 11 of the LAA), but it is not necessary that

the amount quoted by him/her must be agreed to. The landowner thus has no control over his/her right of ownership or on the level of compensation. It may be said therefore that compensation is not a price.

Market Value :

The Land Acquisition Act (u/s 23) stipulates that while determining compensation the "market value" prevailing on the date of preliminary notification [u/s 4(1)] should be taken into consideration. However, the Act or the Rules neither define "market value" nor specify the mechanisms to fix the same.

Solatum :

Acquisition of lands by the state is compulsory in nature. Such compulsion injures the feelings and causes inconvenience to the owners. The law therefore provides for the payment of mandatory "solatum". The percentage of solatum has varied from time to time. With effect from September 1984 when LAA was amended, it is 30 percent of the market value.

Additional Market Value :

The reckoning date for ascertaining the market value is the date on which preliminary notification [u/s 4(1)] is published. Between this notification and actually taking possession of the land, ordinarily there will be a time gap varying between three months to three years. Retrofitting the market value as on the date of 4(1) notification would cause a great loss to the owner. The law, therefore, provides for an additional market value at the rate of 12 percent per annum of the market value from the date of 4(1) notification till the date of award or taking possession whichever is earlier.

Interest :

In case of delay, the law provides for payment of interest on the compensation. For the first 12 months, the interest at the rate of 12 percent is payable from the date of the award. For delays beyond 12 months from the date of declaration of the award, 15 percent is the rate of interest.

1.3.2 Calculation of replacement value :

In this project, replacement value of land will be calculated by the following three methods and the **highest value of the three shall be considered:—**

- * Taking into account such prescribed rates or the average of the actual transaction rates of similar lands for contemporary years for which sale deeds are registered.
- * Taking into consideration 20 times of the annual value of gross production of the concerned land, averaged over preceding five years. For this purpose, authentic secondary data from the District Statistical Handbook, the data from the local agricultural produce samitis, and agricultural department should be used.
- * Fixing up market value of land equal to the minimum land value if so prescribed by the State Government under Indian Stamp Act for the purpose of registration of sale deeds under Indian Registration Act of 1908.

By paying the highest of the three methods, the compensation awarded will be at replacement cost.

1.4 Impact and Entitlement Categories :

During the reconnaissance surveys following impact categories were identified:—

1.4.1 Direct Losses:

- Loss of agriculture land/orchard (full or partial)
- Loss of residential structures
- Loss of commercial structures
- Loss of common property resources
- Loss of religious structures
- Loss of government properties such as banks, government offices, schools etc.

1.4.2 Temporary Losses during construction phase:

- Loss of livelihood as agriculture labour; orchard worker; working hands in road side eateries etc.
- Loss of access to agriculture land; CPRs. etc.

1.5 Issues and Broad Entitlement Framework :

1.5.1 Issues :

Normally large variations are observed between the land record database with the PWD and the revenue records. The gaps have also been observed in the land record system with the revenue department and the field level situation particularly the share of legal heirs due to lack of updating of transfers/mutations, sale of land without mutation etc. Number of settlements develops along the highways by subdividing the agricultural land for residential and commercial activities due to the potential of location but the revenue records does not contain the updated status with respect to change in the land-use. For e.g., agriculture land along the highway is currently being used as either residential or commercial, but in revenue records the land use still remains as agriculture land. Number of cases has been found where the land has been allotted to a person/group of persons under various government schemes or by the institution of local self government (allotted/leased/land share etc.), or allotted/leased land transferred through power of attorney or any other legal instrument, but the ownership records are not clear. In addition, in some cases it has been found that the land was acquired (as per PWD records) in earlier road expansion schemes but the subject is under the judicial consideration/dispute at the time of cut-off date. All these have lead to complications in deciding the actual ownership of the titleholder and eligibility as per the LA Act for compensation. These issues are therefore, critical and appropriate policy measures are to be planned in order to fulfil the objectives of R&R. For the smooth implementation of the project, it is proposed to provide compensation at the replacement value of land for the cases where the ownership falls under the above or such similar categories.

1.5.2 Broad Entitlement Categories :

Based on the assessed impacts and the broad entitlement framework, the affected persons in the project will be entitled to five types of compensation and assistance: (i) compensation for loss of land, crops/trees; (ii) compensation for structures (residential/commercial) and other immovable

assets; (iii) assistance for loss of business/wage income; (iv) assistance for resettlement and relocation; and (v) rebuilding and/or restoration of community resources/facilities.

The broad entitlement framework for the different categories of PAPs is presented below:

Agricultural titleholders :

Land records in India are not updated properly, leading to complications in deciding the actual ownership, particularly the share of legal heirs of the titleholder. Therefore, one of the major areas where NGOs can effectively facilitate the work of land acquisition is updating of land records. To achieve this, NGO will undertake verification of land records followed by verification on the spot related to identified plots and owners.

Once the land records are updated, calculation of replacement value of land will be done by the methods described above in section 1.3.2 and the highest value shall be considered.

In cases where land use pattern has not been changed from agricultural land to residential/commercial then the replacement value will be worked out on the basis of the transaction rates, provided the development of residential/commercial plots is in a cluster. Isolated cases of alienation of agricultural land will not be considered as change in land use.

The replacement value for the land will be the highest of the values arrived by the above methods. If the compensation decided by the competent authority is less than the replacement cost, the difference will be paid to the EP in the form of assistance.

In some cases it may so happen that after acquisition the remaining plot of the entitled person (EP) may not be viable. In such cases, the EP will have the option of either keeping the remaining land or getting the replacement value of the entire land, including the remaining unviable piece of land that shall also be acquired by PWD. If EP is from vulnerable group, compensation for the entire land may be provided by means of land for land, if so wished by the EP, provided that the land of equal or more productive value is available.

The agricultural titleholder EPs looses less than 20% of the total land holding and remaining land holding is more than 5 bighas, will be entitled for compensation at replacement value. In case where the land acquired is more than 20%, still remaining land holding is more than 5 bighas, EP will be entitled compensation at replacement value, training for skill up-gradation and ERG¹ for vulnerable groups. EPs whose remaining landholding goes below 5 bighas after acquisition will be entitled for compensation at replacement value, transitional allowance as per the severity of the impact (refer entitlement matrix), training for vulnerable groups and ERG.

The absentee landlords will receive only the compensation at "replacement cost".

In cases where, in the revenue records, the land is in the name of the head of the household, but actually possessed by some other member of the household, and Training/ERG (if vulnerable) will be paid to the person who is actually loosing the land. In such cases though, as per revenue records, the compensation will be paid to the titleholder.

¹ERG will be given in form of productive assets but will not include any consumables. Effort will be made to dovetail poverty alleviation programmes of Government of India.

In cases of disputes such as where land records are not updated/mutated or where the EPs are unable to produce the desired documents, then the compensation amount will be deposited with the competent authority till the disposal of dispute.

All fees, taxes and other charges, as applicable under the relevant laws, incurred in the relocation and resource establishment will be borne by the project.

Land losers with unclear titles :

For the categories of PAPs whose ownership titles are not clear, like people residing in the abadi lands, or where the land was given to a person/group of persons under various government schemes or by the institution of local self government (allotted/leased/land share after Chakbandi etc.), or allotted/leased land transferred through power of attorney or any other legal instrument, but the ownership records are not clear; the replacement cost of the land would be provided in the form of replacement assistance. For such cases rehabilitation assistance would be provided as for the non-agricultural titleholders.

Non-agricultural Titleholders :

The replacement cost of the residential or commercial structure (part or full), will be calculated as per the prevailing basic schedule of rates without depreciation, subject to relevant "quality standards" of Schedule of Rates as maintained by PWD. The evaluation of assets will be with the help of a registered Government approved valuer.

If a titleholder EP loses less than 20% of residential unit and remaining structure is viable, will be entitled for replacement value of the asset lost (structure as well as land) and will have the right to salvage material from demolished structure. If loss is more than 20% and remaining structure becomes unviable¹, EP will be entitled to lump sum rental allowance and shifting allowance. Vulnerable houseless EPs will be entitled for free plots of 40 to 70 sq. m and house building allowance equivalent to amount under IAY.

All the EPs who lose their commercial properties (and hence their livelihood) would be provided rental allowance for 6 months, training for upgradation of skills, 25 sq. m of plot on cost basis and shifting allowance. Vulnerable persons amongst such EPs would be provided one-time Economic Rehabilitation Grant (ERG), in the form of productive assets and free plot of 25 sq. m.

In cases where the property is under mortgage, the outstanding amount will be paid to the lending agency from the entitlements due to this.

If residential displaced persons approach in a group of 25 or more, they will be entitled for a plot of 40 to 70 sq. meter and construction allowance. Similarly commercial titleholder getting displaced will be entitled for a plot of 25 sq. meter and construction allowance.

Tenants :

The tenants will be compensated for any structure that they might have erected on the property of the landlord. They will also be paid the amount of deposit or advance payment paid by them to the landlord or the remaining amount at the time of expropriation. All such amounts paid to

¹If the balance built up area of the affected structure is less than the area under IAY housing, the structure will be deemed as unviable.

the tenants will be deducted from the payment due to the landlord. The tenants will also be entitled for a rental allowance in consideration of disruption caused to them. A lump-sum shifting allowance will also be paid to them for shifting their assets. The figure for rental assistance will be the average rent paid on the day of survey. The information on average rental amount will be gathered during census and socio-economic survey.

All the tenants whose livelihood activity is affected would be provided training for upgradation of skills. Vulnerable persons amongst such EPs would also be provided one-time ERG in the form of productive assets.

Wage earners and Sharecroppers :

Wage earners and sharecroppers are whose livelihood is affected due to the displacement of the employer. Therefore, they will be paid transitional allowance, if associated for past 3 years. If the wage earner is willing to undertake training for acquiring new skill or for upgradation of skills then he will be provided training. In cases of vulnerable groups, one time ERG will also be provided in the form of assets.

Encroachers :

Encroachers will be notified in time, preferable two months in advance in which to remove their assets and harvest their crops. The encroachers will receive no compensation for land. The vulnerable encroachers will be paid compensation for structures at replacement cost. The replacement cost of the residential or commercial structure (part or full), will be calculated as per the prevailing basic schedule of rates without depreciation, subject to relevant "quality standards" of Schedule of Rates as maintained by PWD. The evaluation of assets will be with the help of a registered Government approved valuer. The compensation for the structures decided by the competent authority will be at the replacement cost. All encroachers will have right to salvage their materials from the demolished structures.

All the encroachers, whose commercial structures are demolished for the project, would be provided training for upgradation of skills. Vulnerable persons amongst such EPs would also be provided one-time ERG, in the form of productive assets.

Squatters :

The squatters will receive no compensation for land. They will, however, be compensated for loss of structures at replacement cost. A lump sum shifting allowance will also be paid to the squatters. The EPs will have the right to salvage their materials from the demolished structure.

All the squatters, whose commercial structures are demolished for the project, would be provided training for upgradation of skills. Vulnerable persons amongst such EPs would also be provided one-time ERG, in the form of productive assets.

Kiosks :

Kiosk owners will receive lump sum shifting assistance. If 50 or more kiosk owners approach in a group, vendor market will be provided to them.

Common Properties :

During the design phase, all efforts will be made to avoid acquisition of common properties. However, in unavoidable cases, some common properties need to be acquired for the project. All such properties that can be replaced, will be relocated at a nearest available site, in consultation with the local communities. The loss of forest areas, which are impossible to relocate, will be compensated in consultation with concerned forest department. Efforts will be made to enhance the relocated common properties, and also other such properties abetting the highway.

In case where common properties are to be located with assistance from local bodies there project authority will provide replacement cost of the common properties to these bodies. Preparation of the drawings and construction of CPRs will be included in the Bill of Quantities of Contractor.

Disposal of Acquired Properties and Eviction of the commercial and residential households:

The acquired land and properties would vest with the project paying compensation for such lands/properties. However, the PAPs will be allowed to take away the materials salvaged from their houses and shops etc. A notice to that effect will be issued to take away the materials so salvaged within 48 hours of their demolition. If the material is not removed within the stipulated time, then the project authority without giving further notice will dispose the same.

After the expiry of the deadline, project can take action to demolish structures on the project corridor of impact. The project can also evict structures on the corridor of impact if it is established that those were constructed on the ROW after the "cut-off" date. Any grievances and objections will be referred to the Grievances Redressal Committee.

Resettlement Site :

Following procedure will be adopted for selection and development of the resettlement site:—

The displaced titleholders and squatters loosing residential/commercial properties may opt for resettlement sites if they approach project authority in a group of 25 in case of residential loss and 50 in case of commercial loss. The PDPs will be resettled preferably in a place close to the area where they were residing prior to the project. The resettlement plan will address the requirement for residential plots of all squatters. This will be implemented on the basis of providing options for relocation, which include:

Option 1.—Squatters may choose self- relocation with compensation for their structures and related assistance; and

Option 2.—For squatters who are unable to self-relocate, PIU/NGO will examine on a case by case basis each households access and ability to find appropriate replacement land for dwelling and if they are unable to find or afford land themselves, then project will provide the required suitable land for this purpose.

In case the group has already identified a potential site, NGO shall visit the site along with representatives of the community for assessing the adequacy and suitability of the site. NGO shall also collect information regarding its title and availability from local revenue department.

In case the identified land is government/community land, NGO shall have to obtain No Objection Certificate from Revenue Department.

NGO will also collect information on Government/community land available in the vicinity of project road, from the office of Circle Officer/Circle Inspector.

NGO shall prepare a consolidated village-wise list of government and community land. For relocation of PDPs, NGO shall ensure that PDPs are relocated along with their peers so as to maintain the existing social fabric.

Site selection will be assisted from the point of view of the impact on host communities. Issues like land quality, carrying capacity of the site, common property resources, social infrastructure will be considered for selection of the site.

Prior to acquisition of the land, a resettlement plan will be developed and the consent of the PDPs will be taken in writing.

In case where government land is not available the certificate for the same will be obtained from the District Collector and then project will purchase land for development of resettlement site/ shopping complex.

At the new settlement centers, civic amenities like drinking water, internal link roads, drains, electricity will be provided along with any other amenities with PDPs had at their abandoned place. Any facilities provided by the government & all common resources properties being availed by the displaced and affected persons prior to the project will as far as possible be provided/continued at Government cost at the new place of their resettlement.

If the construction of shops/houses at the resettlement sites is done through project, then NGOs will facilitate the process of arranging loans for PDPs through financial institutions for meeting the expenditure of the houses/shops over and above the entitlement amount. The financial institution will provide loan to the individual PDPs, and the loan recovery will be done by the institution, as per the arrangement agreed between the PDPs and the financial institution.

The other option will be to do the plotting on the resettlement site and providing infrastructure facilities. The construction of house and shops will then be left the PDPs. NGO will facilitate the process of arranging loans through financial institutions for the PDPs.

Once the site is developed, then the houses/shops/plots will be distributed to the PDPs on the basis of local draw in presence of EPs.

As described above, plots for houses/shops at the new resettlement sites will be provided to the PDPs on payment basis except for the vulnerable person. The allotment of plot for house/shop will be in the joint name of husband and wife. Cost of registration to that effect would be borne by the project authority.

Customary right and land tenure system of the tribal would be protected. In case tribal community is affected, Indigenous Peoples Development Plan will be prepared in accordance with World Bank OP 4.10. Though project roads do not pass through any scheduled area, still some tribal families may get affected. In Himachal Pradesh scheduled areas, if tribal land is alienated, panchayat has to provide formal approval. In non scheduled areas if tribal are affected and mainstreamed, notification will be provided by the panchayat and gram sabha will be consulted.

1.6 Entitlement Matrix :

The Entitlement Matrix provides category-wise details regarding the entitlements in relation to the R&R principles enumerated above. The following table presents the entitlement matrix for the project:—

Detailed Entitlement Matrix

Sl. No.	Category	Type of Loss	Unit of Entitlement	Entitlement and Description
1	2	3	4	5
1A	Private Property	Agricultural land and assets.	Titleholder	<p>Compensation at “replacement cost”</p> <p>Impact Category: <i>Losing Less than 20% of the total holding and remaining land is above MEH (more than 5 bighas).</i></p> <ol style="list-style-type: none"> 1. Compensation will be paid at the replacement cost. <p>Impact Category: <i>Losing more than 20% of the total holding remaining land holding is above MEH.</i></p> <ol style="list-style-type: none"> 1. Compensation will be paid at the replacement cost. 2. Training for skill upgradation. 3. ERG upto Rs. 24,000 for vulnerable groups. <p>Impact Category: <i>If remaining land after acquisition is below MEH, EP will be entitled to—</i></p> <ol style="list-style-type: none"> 1. Compensation will be paid at the replacement cost. 2. If EP is from vulnerable group, compensation for the entire land is by means of land for land if so wished by EP provided that the land of equal or more productive value is available. 3. Compensation is given for the entire plot including residual plot, if the owner of such land wishes that the project authority should also acquire his residual plot. The project authority will acquire the residual plot so paid. 4. Transitional allowance to be calculated at the rate of Rs. 70 per day for 24 days if land loss is less than 10% of the total holding, for 48 days if loss is

1	2	3	4	5
				<p>between 10 to 20%, for 72 days if loss is between 20 to 50% and 100 days if loss is more than 50% of total holding.</p> <p>5. All fees, taxes and other charges, as applicable under the relevant laws, incurred in the relocation and resource establishment, are to be borne by the project.</p> <p>6. Training would be provided for upgradation of skills on RDD pattern.</p> <p>7. One-time Economic Rehabilitation Grant in the form of productive assets to vulnerable group.</p> <p>8. Able bodied PAPs will be given preference for employment with contractor for semi skilled/ unskilled subject to fulfilling the requisite criteria/ qualification.</p> <p><i>Absentee landlords will be only entitled for compensation at replacement value.</i></p>
1B	Private Property	Non-agricultural land and assets.	Titleholder/ owner: Residential	<p>Compensation at "replacement cost"</p> <p>Impact Category: <i>Loss of structure less than 20% of the total size of the structure and structure remains viable.</i></p> <p>1. EP will be provided replacement cost of the residential structure, which will be calculated as per the prevailing basic schedule of rates without depreciation, subject to relevant "quality standards" of BSR as maintained by Government/Local Bodies Authorities.</p> <p>2. Compensation for the loss of residential land will be paid at replacement value.</p> <p>3. Right to salvage materials from the demolished structure.</p> <p>Impact Category: <i>Loss of structure more than 20% and remaining structure becomes unviable.</i></p> <p>Apart from entitlements as described above, such EP will also be entitled for—</p> <p>5. A lump sum rental allowance of Rs. 3000 in rural areas and Rs. 6000 in urban areas.</p> <p>6. A lump sum shifting allowance of Rs. 1000 if within the same village or municipality. Rs. 2000 if outside the affected village or municipality or new destination is more than 2 Km.</p>

1	2	3	4	5
				<p>7. A free plot of 40 to 70 sq. meter and construction allowance equal to amount given under Indira Awas Yojana for houseless vulnerable groups. For the non-vulnerable group, plots will be made available on cost basis.</p> <p>8. Able bodied PAPs will be given preference for employment with contractor for semi skilled/unskilled subject to fulfilling the requisite criteria/qualification.</p> <p><i>Absentee landlords will receive only the compensation at "replacement cost".</i></p>
IC	Private Property.	Non-agricultural land and assets.	Titleholder/owner: Commercial	<p>Compensation at "replacement cost"</p> <p>Impact Category: <i>Loss of structure less than 20% of the total size of the structure and structure remains viable.</i></p> <p>1. EP will be provided replacement cost of the commercial structure, which will be calculated as per the prevailing basic schedule of rates without depreciation, subject to relevant "quality standards" of BSR as maintained by Government/Local Bodies Authorities.</p> <p>2. Compensation for the loss of commercial land will be paid at replacement value.</p> <p>3. One time grant of Rs. 1500 as Transitional allowance.</p> <p>4. Right to salvage materials from the demolished structure.</p> <p>Impact Category: <i>If EP is displaced.</i></p> <p>Apart from entitlements as described above, such EPs will also be entitled for—</p> <p>1. A lump sum shifting allowance of Rs. 1000 if within the same village or municipality. Rs. 2000 if outside the affected village or municipality or new destination is more than 2 Km.</p> <p>2. Training would be provided for upgradation of skills.</p> <p>3. A plot of 25 sq. m on cost basis.</p> <p>4. All vulnerable EP's losing commercial structure shall be entitled for ERG in the form of productive assets. If such vulnerable EP is displaced, he shall also be entitled for 25 sqmt. of plot free of cost, provided such EP is landless. However, if such EP owns land somewhere else and insists for plot, he will be provided 25 sqmt. plot on market price.</p> <p>5. Able bodied PAPs will be given preference for employment with contractor for semi skilled/unskilled subject to fulfilling the requisite criteria/qualification.</p> <p><i>Absentee landlords will receive only the compensation at "replacement cost".</i></p>

1	2	3	4	5
1D	Private Property.	Non-agricultural land and assets.	Tenant: Residential	<ol style="list-style-type: none"> 1. The amount of deposit or advance payment paid by the tenant to the landlord or the remaining amount at the time of expropriation. (This will be deducted from the payment to the landlord). 2. A lump sum rental allowance of Rs. 3000 in rural areas and Rs. 6000 in urban areas. 3. Compensation for any structure the tenant has erected on the property. (This will be deducted from the payment to the landlord). 4. A lump sum shifting allowance of Rs. 1000 if within the same village or municipality. Rs. 2000 if outside the affected village or municipality or new destination is more than 2 Km.
1E	Private Property.	Non-agricultural land and assets.	Tenant: Commercial	<ol style="list-style-type: none"> 1. The amount of deposit or advance payment paid by the tenant to the landlord or the remaining amount at the time of expropriation. (This will be deducted from the payment to the landlord). 2. A lump sum rental allowance of Rs. 3000 in rural areas and Rs. 6000 in urban areas. 3. Compensation for any structure the tenant has erected on the property. (This will be deducted from the payment to the landlord). 4. Lump sum Shifting allowance of Rs. 1000 if within the same village or municipality. Rs. 2000 if outside the affected village or municipality or new destination is more than 2 Km. 5. Training would be provided for upgradation of skills. 6. Vulnerable EPs would be provided one-time Economic Rehabilitation Grant in the form of productive assets.
1F	Private Property.	Agriculture land and other assets.	Unclear title/ disputed titles.	<p>Loss of land/structure:</p> <p>Compensation at replacement value for land/structure.</p> <p>R&R assistance</p> <ol style="list-style-type: none"> 1. Will be treated at par with titleholders. However for disputed cases assistances would be released only after the case is settled either through court or by consensus.
2	Others :			
2A	Livelihood	Wage earners	Individual	<p>Lump sum</p> <p>Impact Category: <i>Loss of income due to acquisition of agriculture land where the person was working as</i></p>

1	2	3	4	5
				<p><i>agriculture labour or sharecropper, etc. or due to acquisition of commercial establishment where the person was engaged as working hand.</i></p> <ol style="list-style-type: none"> 1. They will be paid a lump sum transitional allowance of Rs. 1000 if associated for past three years continuously. 2. Training would be provided for upgradation of skills. 3. Vulnerable EPs would be provided one-time Economic Rehabilitation Grant in the form of productive assets.
2B	Non-perennial crops.	Family		<p>Notice to harvest standing crops :</p> <ol style="list-style-type: none"> 1. They will be given a notice 4 months in advance. 2. Grant towards crop lost before harvest due to forced relocation, equal to market value of crop lost plus cost of replacement of seeds for the next season's harvest.
2C	Perennial crops such as fruit trees.	Family		<p>Compensation at "replacement value"</p> <p>Compensation for perennial crops and trees, calculated as annual produce value multiplied by remaining life of the tree.</p>
3 3A	Illegal Use of the ROW : Illegal use of the ROW	Encroachers	Family	<p>Will receive no compensation for land but assistance for assets to the vulnerable.</p> <ol style="list-style-type: none"> 1. Encroachers will be notified in time in which to remove their assets (except trees) and harvest their crops. 2. Compensation for structures at replacement cost to the vulnerable person. 3. Training would be provided for upgradation of skills to the EPs losing commercial activities. 4. Vulnerable EPs losing commercial activities would be provided one-time Economic Rehabilitation Grant in the form of productive assets. 5. Right to salvage materials from the demolished structure.
3B	Squatters	Family		<p>Will receive no compensation for land but assistance for assets.</p> <ol style="list-style-type: none"> 1. Compensation for loss of structure at replacement cost.

1	2	3	4	5
				<p>2. A lump sum shifting allowance of Rs. 1000 if within the same village or municipality. Rs. 2000 if outside the affected village or municipality or new destination is more than 2 Km.</p> <p>3. Training would be provided for upgradation of skills to the EPs losing commercial activities.</p> <p>4. Vulnerable EPs losing commercial activities would be provided one-time Economic Rehabilitation Grant in the form of productive assets.</p> <p>5. Right to salvage materials from the demolished structure.</p>
3C	Shifting Business.	Ambulatory vendors (Kiosks).	Family	They are not eligible for compensation or "assistance" Ambulatory vendors licensed for fixed locations will be considered as kiosks. They will receive lump sum shifting allowance of Rs. 300.
4.	Community infrastructure, cohesion and amenities.	Common property resources.	Community	<p>Conservation, protection, compensatory replacement</p> <p>1. Easily replaced resources, such as cultural properties will be conserved (by means of special protection, relocation, replacement, etc.) in consultation with the community.</p> <p>2. Loss of access to firewood, etc. will be compensated by involving the communities in a social forestry scheme, in co-ordination with the Department of Forests, wherever possible.</p> <p>3. Adequate safety measures, particularly for pedestrians and children (<i>for details refer to safety planning section in Project's Design Document</i>).</p> <p>4. Landscaping of community common areas; improved drainage; roadside rest areas, etc. are all provided in the design of the highways.</p> <p>5. Employment opportunities in the project during construction phase for able-bodied individuals, if possible.</p> <p>6. Loss of trees will be replaced by compensatory afforestation (<i>for details refer to EMP</i>).</p>
4 A	Any other impact not yet identified, whether loss of asset or livelihood.			Unforeseen impacts will be documented and mitigated based on the principles agreed upon in this policy framework. For e.g., loss of access to agriculture field during construction stage.

